

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

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**RULE 2202 ON-ROAD MOTOR VEHICLE MITIGATION OPTIONS  
EMPLOYEE COMMUTE REDUCTION PROGRAM GUIDELINES**

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**Executive Officer**

Barry R. Wallerstein, D.Env.

**Deputy Executive Officer**

**Office of Public Affairs & Transportation Programs**

Marilyn F. Solomon

**Manager**

**Transportation Programs**

Carol A. Gomez

---

AUTHOR: MARIE ELLINGSON & MARK COLEMAN – TRANSPORTATION SPECIALISTS

REVISIONS: JEANIE STOCKWELL - TRANSPORTATION SPECIALIST  
JANUARY 11, 2002  
MARIE ELLINGSON - TRANSPORTATION SPECIALIST  
OCTOBER 9, 1998

ACKNOWLEDGMENTS: ANTONIO THOMAS – SENIOR TRANSPORTATION SPECIALIST  
GEORGE WRIGHT – SENIOR STAFF SPECIALIST  
ROOSEVELT BROWN – TRANSPORTATION SPECIALIST  
MARIE ELLINGSON - TRANSPORTATION SPECIALIST  
SANDRA LEARMAN – TRANSPORTATION SPECIALIST  
EYVONNE SELLS – TRANSPORTATION SPECIALIST  
JOHN ZAPFEL – AIR QUALITY INSPECTOR II

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## **PREFACE**

Implementation of an Employee Commute Reduction Program (ECRP) is strictly optional under Rule 2202. This program is designed to meet ambient air quality standards mandated by the federal Clean Air Act. As an indirect mobile source emission control strategy it is intended to reduce vehicle miles traveled and increase the average vehicle ridership (AVR) of work related trips.

Rule 2202 and the guidelines for the ECRP are consistent with the Health and Safety Code Section 40717 which establishes compliance requirements for California transportation performance standards.

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## **I. GETTING STARTED**

### **A. OVERVIEW**

Rule 2202 has been designed to reduce mobile source emissions from employee commuting. The Rule provides employers with a menu of emission reduction strategies that employers can implement to meet an emission reduction target (ERT) for their worksite. As an alternative to meeting an ERT, Rule 2202 also allows employers the option to implement an Employee Commute Reduction Program (ECRP) and be deemed in compliance with the Rule.

This document has been prepared to assist employers in understanding the development and implementation requirements of the ECRP at their worksite. The ECRP focuses on reducing work related vehicle trips and vehicle miles traveled to a worksite with the purpose of improving and/or maintaining average vehicle ridership (AVR).

AQMD staff is available to answer questions and to provide assistance to employers who are developing and implementing programs. The entire guidance document should be read in order to fully understand the program requirements. Direct any questions concerning these guidelines to the Transportation Programs Division at (909) 396-3271.

### **B. APPLICABILITY**

The preparation of an ECRP is expected to lead to achievement and maintenance of the employer's AVR target by reducing the number of work related vehicle trips and vehicle miles traveled. This program can be implemented by any employer that employs 250 or more employees at a worksite, on a full or part-time basis, calculated as a monthly average over the prior six consecutive months.

Each monthly employee population for the prior consecutive six months is added and then divided by six to determine whether the employer's average employee population figure is 250 or more.

Employers with 250 or more employees should notify the AQMD in writing, in order to participate in this program, and include the following information:

- employer's name;
- site and mailing address of the business;
- name and phone number of the highest ranking official at the worksite;
- name and phone number for a contact person at the worksite; and
- number of employees at the worksite.

Once notified, the AQMD will forward a notification letter and package to the employer, and within 90 days from receipt of the letter the employer must submit the initial Triennial Employee Commute Reduction Program.

### ***C. TYPES OF EMPLOYEE COMMUTE REDUCTION PROGRAMS***

Within 90 days of receiving notification, or on the program due date, an employer choosing to comply with the Rule through this option must submit one of the following ECRPs to the AQMD.

- A single-site employer must submit a single site ECRP.
- A multi-site employer may submit either a Multi-Site ECRP, or separate single site programs.
- An Annual Analysis must be submitted annually during the Triennial program interim years to report AVR and to acknowledge an ongoing commitment to program implementation.
- High AVR No-Fault Inspection in lieu of an Annual Analysis (refer to High AVR No-Fault Inspection, Section G)

### ***D. PROGRAM SUBMITTAL SCHEDULE***

The ECRP is a Triennial program, which is submitted every three years, on the established due date. An Annual Analysis, reporting AVR progress, must be submitted during each of the interim years on the established due date, and may be submitted in lieu of a Triennial program when the AVR target is attained or exceeded (refer to Section F, Annual Analysis). Worksites included in a Multi-Site program must all be on the same cycle, and must be initially submitted as a Triennial program. Annual due dates shall remain permanent unless a formal request to change the due date is submitted by the employer and approved in writing by AQMD.

### ***E. PROGRAM ELEMENTS***

Triennial ECRPs for single submittals must be submitted in the appropriate format, approved by AQMD, and include the following elements:

#### **1. Single Site Triennial Program**

- A management commitment cover letter, signed by the highest-ranking official at the worksite or the person responsible for allocating the resources necessary to implement the program. The letter should include: a commitment to fully implement the program, a statement that notification to employees occurred and employee ideas were actively solicited in the process of program development (as described in Section H, Employee Notification), and that all data in the program is accurate to the best of the employer's knowledge.

- The name of the Employee Transportation Coordinator (ETC), On-site Coordinator, or Consultant ETC, and copies of the training certificates (if not currently on file with AQMD) for those preparing, implementing, and monitoring the program at the worksite.
- The AVR calculation and AVR data collection method.
- The number of transit (bus/rail) lines within 1/4 mile or three blocks from the worksite, and the frequency of those routes.
- Specific strategies the employer will provide to employees, and a schedule for their implementation. The schedule must include a time frame for implementing each strategy included in the ECRP.
- The number of employees scheduled to report to the worksite every day during a typical work week, and their scheduled report times.
- A marketing component which ensures all employees are regularly informed of the ECRP details.
- Emergency episode actions.
- An evaluation of the effectiveness of each strategy; an analysis of why the program did or did not work; and an explanation as to how the revised program will succeed in achieving the AVR target.

## **2. Multi-Site Programs**

In addition to submitting the elements described above for each site, employers submitting Multi-Site ECRPs may consider the following:

- The option of aggregating AVR for worksite submittals located within the same AVR target area.
- In lieu of attaining AVR targets at each employer site, surplus vehicle reductions (SVR) from sites that exceed their AVR target may be credited towards an employer's site that has a total vehicle reduction shortfall (TVRS). (Refer to Section II D, Aggregating AVR for Multi-Site Employers).
- Centralized Rideshare Service Center (refer to Section III A 4, Administration of Employee Commute Reduction Programs).
- A matrix that identifies those strategies offered at individual worksites is a required element.

## **F. ANNUAL ANALYSIS**

An Annual Analysis that reports the results of an AVR data collection method and calculation must be submitted to the AQMD on the program due date. The Annual Analysis must be submitted in the appropriate format, approved by AQMD, and include the following:



- AVR data collection method;
- AVR calculation;
- Name of the ETC responsible for conducting the AVR survey. A copy of the ETC's initial training certificate (if it is not currently on file with AQMD);
- Signed statement by the highest ranking official or the executive officer responsible for allocating the resources necessary to implement the program, declaring that all strategies listed in the approved program were offered to employees; and
- Any applicable appendices.

If the Annual Analysis indicates that progress towards achieving the AVR target has not occurred, the employer may contact AQMD staff for assistance in how to improve the program. Alternatively, the employer may refer to the Commute Reduction Options Toolbox for other strategies that could be included in the program.

#### ***G. HIGH AVR NO-FAULT INSPECTION***

Any worksite that requests and passes a High AVR No-Fault Inspection is not required to submit the annual filing fee. To qualify for the waiver of the annual filing fee, the following conditions must be met:

- The annual employee survey must be conducted and the resulting AVR calculation must meet/exceed the target AVR.
- The ECRP must be marketed and implemented as described in the plan.
- The High AVR No-Fault Inspection should be scheduled no less than two months prior to the submittal due date.

Following successful completion of a High AVR No-Fault Inspection, the employer is required to submit the following documents in lieu of an Annual Analysis:

- A copy of the compliance commendation letter which will be given to the employer upon successful completion of the inspection.
- The management commitment letter.
- The worksite's AVR calculation sheet.

#### ***H. EMPLOYEE NOTIFICATION***

The employer is responsible for notifying the employees of the provisions in any proposed ECRP. The program must be available for employee review for a period of 30 days prior to submitting to

the AQMD. The notice must designate the individual or individuals to whom comments may be submitted.

In the event of a program disapproval, notice should be given to the employees 15 days in advance to allow for employee review, prior to resubmitting to AQMD.

The employer should notify the employees of program approval by the AQMD within 30 days of receipt by the employer of such approval. For the purpose of initiating appeals under Rule 216 (b), by or on behalf of an employee, the date on which the employer posts notice of the ECRP's approval is determined to be the date of decision or action of the AQMD.

### ***I. PROGRAM DURATION***

Any ECRP previously approved by the AQMD will remain in effect until a new program is approved, an approved alternative is used to comply with Rule 2202, the employer receives notification from AQMD that they are no longer subject to the Rule, or Rule 2202 is rescinded.

## **II. THE NEXT STEP**

### ***A. PROGRAM REVIEW***

The AQMD staff will review ECRPs using the following criteria:

- ECRPs will be approved provided the program complies with all requirements of Rules 2202 and 308 (filing fees);
- Employer continues to demonstrate a good faith effort towards achieving the target AVR. The ETC has analyzed the program strategies and made appropriate changes/additions to the strategies when AVRs have declined or remained consistently low. Program submittals which fail to show an overall improvement in AVR and do not provide revisions or additions to the strategy section are not considered to be a good faith effort on the part of the employer and may not be approved as submitted;
- Within 90 calendar days of receipt of the program, the AQMD will in writing, approve, disapprove the program, or request up to 30 additional days to review the program, indicating to the employer the reasons for requiring additional review time;
- If a program is not approved or disapproved within 90 days, or if AQMD has not requested additional review time, the program shall be deemed approved;
- Prior to disapproving a program, the AQMD will contact the employer to provide an opportunity to discuss program inadequacies;

- If a program is disapproved, the reasons for disapproval will be given in writing to the employer. Any program disapproved by the AQMD must be revised by the employer and resubmitted to the AQMD within 30 calendar days of receipt of the notice of disapproval. If a second disapproval notice is given, the employer is in violation of Rule 2202 until a revised program is submitted and approved by AQMD. The AQMD has 90 days to review the resubmitted program; and
- An ECRP will be disapproved if the program demonstrates a disproportionate impact on minorities, women, low-income or disabled employees.

## ***B. UNDERSTANDING AVR***

### **1. Employees: Who counts?**

Employees that do not report to the worksite during the 6:00 a.m.-10:00 a.m. window should not be included in the AVR calculation. Employees that are reporting as being on vacation, or sick, are accounted for but not included in the AVR equation. Per-diem or on-call employees (that do not meet the definition of field personnel) are not included in the AVR calculation unless they report to the worksite during the window at the time the survey is conducted. Employees that are classified under the “Other” category, include the following:

- employees on jury duty, military duty
- employees reporting outside the window provided they report in the window one other day during the week
- employees not scheduled to work that day
- employees that are home dispatched
- employees on maternity leave
- employees on bereavement leave
- employees on medical /disability leave

The following employee categories (as defined in the Glossary) are not considered for rule applicability or in calculating AVR:

- temporary employees
- seasonal employees
- volunteers
- field personnel
- field construction workers
- independent contractors

The following employee category (as defined in the Glossary) is considered for rule applicability but are not required to be counted in the 6:00 a.m.-10:00 a.m. window, surveyed or included in the AVR calculation. It is the discretion of the employer whether to include them in the window count:

- Police/sheriff (if an employer chooses to include this category in the AVR survey, all employees in this category that are scheduled to report in the survey window must be surveyed. Surveying only part of this group is not acceptable.)

## **2. AVR Credits**

- (+) Carpools are counted as 2-6 people traveling together for the majority (51%) of the total trip distance.
- (+) Vanpools are counted as 7-15 people traveling together for the majority (51%) of the total trip distance. The credit is given by dividing the actual number of occupants in the vehicle by the maximum occupancy of the vehicle.
- (+) Employees walking, bicycling, telecommuting, using public transit, using a zero emissions vehicle, or on their day off under a compressed work week, should be counted as employees arriving at the worksite with no vehicle.
- (+) Compressed Work Week (CWW) credit will only be granted when all days worked and all CWW days off fall within the AVR survey week, except in cases where businesses operate 24 hours a day, seven days a week. In those cases, compressed work week credit will be granted when an employee completes the required work days and scheduled days off within a seven day period.
- (+) Noncommuting AVR credit is allowed for employees who remain at the worksite (if in the District's jurisdiction), or entirely out of the District's jurisdiction, for at least a full 24-hour period, to complete work assignments, and who generate no vehicle trips during the AVR window associated with arriving at the worksite. Noncommuting AVR credit is calculated as arriving at the worksite with no vehicle.
- (+) AVR credit for all employees leaving the worksite, during the window, may be calculated and averaged with employees arriving at the worksite during the window to obtain an aggregate AVR. Such credit can be taken initially only in a Triennial program.

## **3. AVR Debits**

- (-) Employees that report to the worksite during the window and do not respond to the survey must be calculated as one employee per vehicle arriving at the worksite.
- (-) Drive alones count as one person per vehicle arriving at the worksite.

### **C. AVR DATA COLLECTION METHODS**

The AQMD must pre-approve and certify AVR data collection methods as complying with these guidelines for employers, vendors, consultants, or other entities requesting such certification. Request for certification must be submitted to the AQMD 60 days prior to the established due date. Once the certification method is approved, re-certification is required 60 days prior to the established due date, only when the employer proposes to modify their approved certification method or upon modifications to Rule 2202. The AQMD will review and respond to the request within 14 calendar days. Certification will only be granted for those AVR data collection methods that comply with these guidelines. Each employer must collect AVR data by one of the following applicable methods:

#### **1. AVR Survey**

Employers have the option of conducting an AVR survey approved by the AQMD. The survey should be taken over five consecutive workdays, Monday through Friday, and identify the transportation modes that employees use to travel to the worksite during the 6:00 a.m.-10:00 a.m. window, each day during the survey week.

##### **a) AVR Survey Parameters**

The AVR survey data cannot be more than six months old at the time of program submittal. The response rate to the survey must be at least 60 percent of those employees who report to the worksite during the window. The remaining non-responses over 60 percent to 100 percent shall be treated as single occupant vehicle commuters. However, if an employer achieves a 90 percent response rate or higher, the remaining non-response percentage can be reported in the “Other” category in the survey. The net effect on the AVR calculation will be neutral.

The survey period cannot contain a National or State Holiday, and cannot be taken during California Rideshare Week. The weeks to be excluded from the AVR survey week are as follows:

New Years Day	January	1
Martin Luther King Jr. Birthday	January	(Third Monday)
Abraham Lincoln’s Birthday	February	(Second Monday)
George Washington’s Birthday	February	(Third Monday)
Memorial Day	May	(Last Monday)
Independence Day	July	4
Labor Day	September	(First Monday)
Columbus Day	October	(Second Monday)
Veteran's Day	November	11

Thanksgiving Day	November	(Fourth Thursday)
Day After Thanksgiving	November	(Fourth Friday)
Christmas Day	December	25
California Rideshare Week	October	(First Week)

Note: The days these holidays are observed may vary from year to year, therefore, it will be the responsibility of the employer to obtain these specific holiday dates to ensure exclusion of these weeks from their AVR survey week.

Each employer should encourage employee involvement in either of the following ways:

- through an employee survey that includes questions soliciting suggestions for program improvement and/or strategies which may be used for ECRP development; or
- an employer may implement a program which actively involves employees, such as focus groups, employee committees, etc.

#### **b) Window Period for AVR Calculation**

The employer must calculate the AVR based on the 6:00 a.m. - 10:00 a.m., Monday through Friday window except for businesses operating 24 hours a day, seven days a week. The AVR window for businesses operating 24 hours a day, seven days a week, is the period of time, Sunday through Saturday between the hours of 6:00 a.m. and 10:00 a.m. Those worksites may survey over a seven day period due to fluctuating employee schedules so that for purposes of AVR reporting, they will account for individual employees over their five day work week. The work week may very well not be the same five days for all employees.

The employer may use an alternative window upon writing the AQMD and receiving written approval. The alternative window must be a consecutive four hour period between 4:00 a.m. and 11:00 a.m. and a consecutive five day period of the seven day week when the majority of their employees are scheduled to report to the worksite.

#### **c) AVR Calculation**

The AVR calculation is based on data obtained from an approved AQMD survey method, random sampling, or recordkeeping, and should include all employees scheduled to report in the 6:00 a.m.- 10:00 a.m. window.

The AVR is calculated by dividing the number of employees who report to the worksite, by the number of vehicles that arrive at the worksite, during the five day window. The AVR figure should be rounded off to the second decimal place. Example: 1.4576 becomes 1.46 AVR.

## **2. Random Sampling**

Employers with a minimum of 400 employees reporting at the worksite during the window, have the option of determining AVR by a random sample method. The random sample method should comply with all of the following criteria:

- Members of the sample must be selected on a probability basis (random selection) that assures that each population member is given an equal chance of selection;
- All employees reporting in the window for calculating AVR must be considered as the relevant population from which the sample is drawn;
- The sample must measure all potential commute modes for employees arriving at the worksite during the window and shall account for all employees not arriving at the worksite during the window due to compressed day off, vacation, sick leave, and other (e.g., maternity leave, bereavement leave, etc.);
- Any employees designated for the random sample that do not respond to the survey are counted as solo drivers;
- At least 60 percent survey response rate must be achieved;
- The sample size must be determined with the AQMD's approval of sampling method;
- The data shall be stored and available for inspection for three years;
- Any data submitted on a computer readable disk must be compatible with AQMD's software and must be able to be entered into AQMD's system;
- The random sample survey must be taken not more than six months prior to submittal of the Triennial program or Annual Analysis;
- The random sample method must receive written approval from the AQMD prior to administration of the survey; and
- Random sample method must be re-certified 60 days prior to the program due date, only when the employer proposes to modify their approved certification method or upon modifications to Rule 2202.

## **3. Recordkeeping**

Employers have the option of selecting a recordkeeping method for verifying AVR as long as it complies with all of the following criteria:

- Data must be gathered from all employees reporting to the worksite during the window;

- The response rate to the data collection method must be at least 60 percent of those employees who report to the worksite during the window. The remaining non-responses over 60 percent to 100 percent shall be treated as single occupant vehicle commuters. However, if an employer achieves a 90 percent response rate or higher, the remaining non-response percentage can be reported in the “other” category in the AVR calculation;
- The data collected must reflect the daily commuting activity of employees and their modes of travel that occur during each month or quarter of the program cycle;
- The quarterly or monthly AVR must be calculated separately, and must be aggregated to determine the yearly AVR calculation;
- The data must be stored and available for inspection for three years;
- The following data must be available, and traceable to individual employee records: home location (zip code); travel mode for each day data is collected; any data that is specified in the section on AVR Data Collection Methods; and, employee ID number or other individual identification;
- Any data submitted on a computer readable disk must be compatible with the AQMD’s software;
- The data may not be more than six months old;
- The AVR data collection method must be pre-approved by the AQMD; and
- Recordkeeping method must be re-certified 60 days prior to each program due date, only when the employer proposes to modify their approved certification method or upon modifications to Rule 2202.

#### ***D. AGGREGATING AVR FOR MULTI-SITE EMPLOYERS (Optional)***

Aggregate AVR is the total number of window employees divided by the total number of vehicle trips, for all regulated worksites that belong to the multi-site employer. Aggregate AVR can be obtained in three steps. First, the number of peak window employees used in calculating each worksite AVR must be added. This sum will yield the total number of window employees for all worksites. Second, the number of vehicle trips used in calculating each worksite AVR must be added. This total will yield the total number of vehicle trips for all worksites. Finally, the total number of employees must be divided by the total number of vehicle trips to obtain the combined AVR for all worksites. This calculation will yield the aggregate AVR for the multi-site employer.

Example:

$$\text{AVR} = \frac{\text{Window employees for site 1} + \text{window employees for site 2} \dots}{\text{Vehicle trips for site 1} + \text{vehicle trips for site 2} \dots}$$



### **III. WHO IS INVOLVED?**

#### **A. ADMINISTRATION OF EMPLOYEE COMMUTE REDUCTION PROGRAMS**

##### **1. Employee Transportation Coordinator**

Employers must designate an employee to serve as an Employee Transportation Coordinator (ETC) for each worksite with 250 or more employees. This person must successfully complete a one time, 16 hour AQMD certified training course. This training provides the individual with the necessary information to conduct the survey process, prepare and implement the program, market the program and track the program results. The ETC must be at the worksite during normal business hours when the majority of employees are at the worksite.

The AQMD will hold periodic informational sessions regarding the most current information on rule provisions and administration of employee commute reduction programs. Attendance at these sessions is voluntary, but highly encouraged.

##### **2. On-Site Coordinators**

To be certified as an On-site Coordinator, a person must successfully complete an AQMD approved eight hour training course taught by either an authorized training provider, or by the ETC certified to provide such training. The On-Site Coordinator is limited to program implementation rather than program preparation. The On-Site Coordinator may serve in a Multi-Site program or at a single site under an ETC/Consultant ETC. The On-Site Coordinator must be at the worksite during normal business hours when the majority of employees are at the worksite.

##### **3. Consultant Employee Transportation Coordinator**

An employer may use a Consultant ETC in lieu of an ETC, provided the Consultant ETC meets the definition of an ETC and the same minimum certification requirements as the ETC. A Transportation Management Association/Transportation Management Organization (TMA/TMO) may be considered as a Consultant ETC provided its staff, acting in this capacity, meets the same requirements as the ETC. As an alternative to being available during normal business hours, the Consultant ETC may fulfill the role for a minimum of eight hours per week during normal business hours, provided the employer then maintains an On-Site Coordinator. The On-Site Coordinator must be at the worksite during normal business hours when the Consultant ETC is unavailable.

In the event of an absence of a trained ETC, Consultant ETC, or On-site Coordinator, exceeding eight consecutive weeks, a replacement should be designated and trained. The AQMD must be

advised of this change by the employer submitting proof of training within 12 weeks after the beginning of the absence.

#### **4. Centralized Rideshare Service Center**

The Centralized Rideshare Service Center (CRSC) is a strategy that may be used by employers submitting a Multi-Site program that will provide equivalent services in lieu of having a trained person at each worksite. Requests for approval of a CRSC must be made in writing and be included with each Multi-Site Triennial ECRP submittal. The request must describe the CRSC in detail and show how it will provide equivalent ETC services to the specific worksite(s). AQMD staff will review each request on a case-by-case basis to determine whether the CRSC meets the following criteria:

- Identifies the trained ETC that is at the CRSC facility location and demonstrates availability and accessibility to the ETC by all company employees;
- Demonstrates that the ECRP is adequately marketed and implemented at each specific site; and
- Ensures that all other sites in the Multi-Site program submittal have identified a site contact person who:
  1. Has knowledge of the employer's ECRP;
  2. Has knowledge of the employer's marketing methods;
  3. Is available to meet with AQMD compliance staff.

NOTE: CRSC criteria and guidelines are available upon request.

#### **5. Training Providers**

Training Providers for initial ETC training programs must be certified annually unless otherwise specified by the AQMD. In order to be certified, the training providers should meet or employ instructors that meet the following requirements:

- A current certificate as an ETC;
- A bachelor's degree in Transportation Planning, Urban Planning or a field which includes the same subject matter. If the degree is not in one of these fields, the successful completion of a TDM certification program recognized by the AQMD may be substituted;
- Two years of professional training experience and three years of managerial experience in Transportation Demand Management;
- Knowledge of Rule 2202; and,
- The curriculum for ETC and On-Site Coordinator Training programs has to be certified by the AQMD and will include at a minimum, development, implementation, monitoring and marketing of ECRPs as well recordkeeping and survey techniques.

Employee Transportation Coordinators and Training Providers may be approved to provide the necessary training for On-Site Coordinators if they meet the following requirements:

- They have a current certificate as an ETC;
- They have two years of management experience; and
- They have two years of experience as a corporate ETC or one year of experience as a corporate ETC and have successfully completed a Transportation Demand Management certification program recognized by the AQMD.

#### **IV. MAINTAINING THE BOOKS**

##### ***A. RECORD RETENTION REQUIREMENTS***

- The employer must keep detailed records of the documents which verify the Average Vehicle Ridership calculation for a period of at least three years from program approval date.
- Records which verify that all strategies in the ECRP have been marketed and offered shall be kept at the worksite for at least three years from program approval date.
- Approved ECRP from prior years shall be kept for a period of at least three years from date of approval.
- For employers who implement their programs using a Centralized Rideshare Service Center, records and documents must be kept at the CRSC.

##### ***B. EMERGENCY EPISODE PROCEDURES***

Any employer subject to Rule 2202, upon notification of a predicted Stage 2 or Stage 3 Episode shall:

- Post at least one sign, in a conspicuous place, designating the predicted episode stage and requesting the use of ridesharing, and telecommuting;
- Reduce fleet vehicle miles traveled by at least 20 percent of normal weekday operations;
- Take the applicable actions required by the Governor upon notification by the AQMD that an air pollution state of emergency is declared by the Governor; and
- Maintain a log of all actions, in response to a predicted Stage 2 or 3 Episode.

##### **EXEMPTIONS:**

- Facilities providing essential public service are allowed lower emission and/or mileage reduction percentages than those specified above.
- Any facility which can demonstrate that meeting the stated reductions will either damage equipment; create an upset of production; or jeopardize public health or safety; will be allowed lower emission and/or mileage reductions. A letter demonstrating at least one of the preceding

conditions and requesting this exemption must be submitted to the AQMD not later than 30 days after a predicted Stage 2 or 3 Episode.

- Buses, commuter vanpool vehicles or other vehicles, used exclusively for multi-passenger commuting between home and the place of work or school are excluded from the above work trip and fleet vehicle reduction provisions.

### **C. COMPLIANCE**

Failure to meet the appropriate AVR target under this program will not be a violation of Rule 2202. Failure to comply with any other provision of this Rule, including, but not limited to, failure to maintain records, falsification of records, failure to submit a Triennial program or an Annual Analysis, submit proper fees in accordance with the provisions of Rule 308, submit a management commitment letter verifying compliance with the employee notification provisions, or implement the program as approved by the AQMD is a violation of Rule 2202 and is subject to the penalties outlined in Article 3, Chapter 4, Part 4 of Division 26 of the Health and Safety Code.

- The District will not impose any requirements that are not a part of Rule 2202 or Rule 308.
- The District may only request information to the extent that it is reasonably necessary to determine compliance with these rules.

If a final determination that an element of an approved ECRP violates any provision of law is issued by any agency or court with jurisdiction to make such determination, then the employer shall, within 45 days, submit a proposed program revision to the AQMD which shall be designed to achieve an AVR equivalent to the previously approved program.

### **D. DECLARED STATE OF EMERGENCY**

During a period of significant impairment of transportation systems associated with an event resulting in a local, state or federally declared state of emergency, the AQMD may approve programs or program amendments including strategies which decrease trips associated with any location in the AQMD, including locations other than a worksite included in the program. Such strategies may be included in any program and may be a substitution for measures contained in an approved program. In the event of substitution, the employer shall demonstrate that any decrease in AVR at a worksite subject to the program will be offset by trips reduced elsewhere in the AQMD.

### **E. DECLARED BANKRUPTCY**

An employer who has declared bankruptcy, for the official business or governmental operations of its organization or company, through a judicial court filing and confirmation process, may request

the AQMD to grant a temporary waiver from complying with the requirements of this Rule. Upon demonstration of the filing and confirmation of bankruptcy, the AQMD will grant an exemption for the duration of bankruptcy, not to exceed two years, from the date of the waiver.

## **V. TIME FOR A CHANGE**

### **A. SPECIAL PROCEDURES**

#### **1. Extensions**

Any employer may request an extension to the program due date under the following circumstances:

- If an employer needs more time to submit a program to meet the requirements of these Guidelines and Rule 2202, additional time may be sought from the AQMD. These requests must be in writing, state the reason for the extension request, the length of time needed, and include the appropriate filing fee;
- All extension requests and fees must be received by the AQMD, no later than 15 calendar days prior to the program due date;
- Requests are considered on a case-by-case basis and are granted for reasons that are beyond the control of the employer;
- An employer may request an extension to the program due date after the program has been disapproved for the first time. The request must be received within 15 days of the receipt of the program disapproval. The AQMD will inform the employer in writing within 15 calendar days of receipt of request, whether the extension has been granted;
- An employer may, upon receipt of a written objection to the terms of the proposed program by an employee, employee representative or employee organization, request a single extension of 30 days. A copy of the written objection should be attached to the request. One such request shall be granted by the AQMD; no subsequent extension may be granted for this purpose; and
- Any change in the permanent due date that results in additional time to submit a program will be considered an extension of time and shall be subject to an extension filing fee.

#### **2. Program Amendments**

An approved ECRP may be amended between program submittal dates by submitting a proposed program amendment in writing to the AQMD along with the applicable fee. Any changes to the implementation of an approved program requires an AQMD approved program revision. Program changes which are in effect, including but not limited to strategies or change of employee transportation coordinator at the site, must be submitted in writing to the AQMD. Any change that

affects the attainment of the AVR and requires evaluation by AQMD staff is subject to a per site amendment fee.

Employers proposing changes in strategies are encouraged to consider comparable ones that will continue making progress towards attaining target AVR. The Commute Reduction Options Toolbox identifies a number of strategies that could be selected from to substitute for those being changed. The amendment cannot be effective until approved by AQMD in writing. AQMD will either approve or disapprove the amendment within 90 days of receipt. The amendment request must include the following:

- Letter of explanation of proposed amendment signed by the highest ranking official.
- Two copies of each affected strategy page from the last approved Triennial program.
- Two copies of each of the proposed replacement strategy pages.
- Applicable amendment fee.
- Amendment requests may be approved if the employer demonstrates to the satisfaction of the Executive Officer, that the new strategy will result in an AVR which is equal to or better than the strategy it is replacing.

Note: The amendment fee shall not apply when the amendment consists solely of additional or enhanced strategies to the program or when the strategy amendment is submitted at the same time as part of the Triennial program or Annual Analysis submittal.

### **3. Change of Ownership**

In the case of ownership mergers, or change of ownership, the new owner must notify AQMD of this change within 30 days of the new ownership. The District will then send a notification letter to the new employer, and 90 days from receipt of the letter, the employer must submit an ECRP to the AQMD which adheres to all provisions of Rule 2202 and Guidelines for this option. The new owner(s) may choose to submit a new management commitment letter, instead of a new program, which states they will continue to implement the program approved by the AQMD for the prior owner(s).

### **4. Relocation**

Any employer relocating to a new worksite must notify the AQMD within 30 days of the relocation. Relocations fall into two categories and are explained below:

1. Employers relocating within two miles of the previous worksite address may elect to continue to implement the most recently approved Triennial program. Or, the company may elect to submit a new Triennial ECRP. The employer must inform AQMD of the preference in the notification of relocation letter. If no preference is made in the letter, the company will automatically be

sent an official notification package and will be required to submit a new Triennial ECRP within 90 days of receipt of the notification package.

2. Employers relocating more than two miles from the previous worksite are required to submit a new Triennial ECRP. The employer must submit the new Triennial ECRP within 90 days from receipt of the notification package from AQMD.

### **5. Adding Worksites to a Multi-Site Program**

A new worksite may only be added to a Multi-Site program submittal on the triennial cycle, or alternatively, may be filed as a single site submittal. Given the variety of employer situations, each Multi-Site program submittal will be evaluated individually and considered on a case-by-case basis.

### **6. Program Disapproval Appeals**

The AQMD has 90 days to review the resubmitted program. If the employer believes that the program meets the requirements of Rule 2202 and the Guidelines, and that the program was improperly disapproved, the employer may appeal the disapproval to the AQMD Hearing Board. A petition for appeal of a disapproval must be made within 10 calendar days after the employer receives the notice of disapproval.

### **7. Delay Program Review Requests**

If an employer, employee, employee representative or employee organization requests a delay in action of program review, the request must be in writing to the AQMD within 10 days of program submittal and cannot delay the period of time to exceed the 90th day after submittal.

## **VI. PLANNING A STRATEGY**

### ***A. COMMUTE REDUCTION OPTIONS TOOLBOX***

Employers may find the following menu of rideshare strategies useful in preparing an initial or updated ECRP. These optional strategies can be developed and implemented to meet the individual needs of employers striving to make progress in achieving target AVR. Direct financial awards are not required for program approval.

- Personalized Commute Assistance – The employer provides personalized assistance such as transit itineraries, carpool matching and personal follow-up to employees.
- Rideshare Matching Services – The employer provides rideshare matching service or assistance in finding commute alternatives for all employees.

- **Guaranteed Return Trip** - The employer provides eligible employees with a return trip (or to the point of commute origin), when a need for the return trip arises.
- **Preferential Parking for Ridesharers** - The employer provides eligible employees with preferential parking spaces to park their vehicles.
- **Bicycle Program** - The employer provides eligible employees who commute by bicycle with such tools as biking equipment, special meetings or other bike related services.
- **Transit Information Center**, - The employer provides a transit information center that makes available general transit information, and the on-site sale of public transit passes, tickets or tokens to the worksite employees.
- **Vanpool Program** - The employer provides eligible employees with a vanpool program designed to encourage the use of existing vanpools or the development of new vanpools.
- **Time Off with Pay** - The employer provides eligible employees additional time off with pay for participation in the company's commute reduction program.
- **Compressed Work Week** - A compressed work week (CWW) schedule applies to employees who, as an alternative to completing the basic work requirement in five eight-hour workdays in one week, or ten eight-hour days in two weeks, are scheduled in a manner which reduces trips to the worksite.
- **Telecommuting** - Telecommuting means working at home, off-site, or at a telecommuting center for a full workday, that eliminates the trip to work or reduces travel distance to the worksite by more than 50%.
- **Parking Charge/Subsidy** – A parking fee is charged to employees who drive alone to the worksite, and in exchange, a subsidy is provided to employees towards costs of alternative transportation modes.
- **Auto Services** - The employer provides auto services for employees participating in the company's commute reduction program.
- **Discounted/Free Meals** - The employer provides eligible employees with free or discounted meals for their participation in the commute reduction program.
- **Points Program** - Employees earn points for each day of participation in the employer's commute reduction program. Points are redeemed for such rewards as time off, gift certificates, cash or merchandise.
- **Gift Certificates** - The employer provides eligible employees with gift certificates for participation in the company's commute reduction program.



- Prize Drawings - The employer provides eligible employees with a chance to win prizes for participation in the company's commute reduction program.
- Direct Financial Awards - The employer provides eligible employees with cash subsidies for participation in the company's commute reduction program.
- Flex Time - The employer permits employees to adjust their work hours in order to accommodate public transit schedules or rideshare arrangements.
- Miscellaneous Awards - The employer provides eligible employees miscellaneous awards for specific levels of participation in the company's commute reduction program.
- Miscellaneous Strategy(ies) - The employer can provide many types of strategies designed to encourage solo commuters to participate in the commute reduction program. These strategies can include educational programs, use of clean fuel vehicles for commuting, company vehicles for ridesharing, transportation fairs/events, and rideshare clubs.

## **VII. GLOSSARY**

1. **AGGREGATE AVR** means the weighted average AVR of an employer that has several different worksites within the same AVR target areas that are included within one Employee Commute Reduction Program.
2. **ANNUAL ANALYSIS** means a form submitted following the Triennial Program approval that contains AVR results and an agreement to continue implementing the Employee Commute Reduction Program.
3. **AVERAGE VEHICLE RIDERSHIP (AVR)** is the current number of employees scheduled to report to work during the window for calculating AVR divided by the number of vehicles arriving at the worksite during the same window.
4. **AVR CALCULATION** means the numerical method used to determine the worksite's AVR in accordance with these guidelines.
5. **AVR DATA COLLECTION METHOD** is a method for gathering employee commute mode data needed to calculate an employer's AVR.
6. **AVR TARGET** means the AVR that an Employee Commute Reduction Program is designed to achieve for a particular worksite. The AVR targets are as follows:
  - Zone1: 1.75 AVR
  - Zone 2: 1.5 AVR
  - Zone3: 1.3 AVR(See Attachment 1 for locations of AVR Zones)
7. **AVR WINDOW** is the period of time, Monday through Friday between the hours of 6:00 a.m. and 10:00 a.m. used to calculate AVR in accordance with these guidelines. AVR Window, as applies for businesses operating 24 hours a day, seven days a week, is the period of time, Sunday through Saturday between the hours of 6:00 a.m. and 10:00 a.m., used to calculate AVR in accordance with these guidelines. A business operating a work week other than Monday through Friday must notify the District to change the AVR window for its annual survey and AVR calculation.
8. **BUSPOOL** is a vehicle occupied by 16 or more people traveling together between their residences and their worksites or destinations for the majority of the total trip distance. Employees who work for different employers, as well as non-employed people, are included within this definition as long as they are in the vehicle for the majority of the total trip distance.
9. **CARPOOL** is a vehicle occupied by two to six people traveling together between their residences and their worksites or destinations for the majority of the total trip distance.

Employees who work for different employers, as well as non-employed people, are included within this definition as long as they are in the vehicle for the majority of the total trip distance.

10. **CENTRALIZED RIDESHARE SERVICE CENTER** is a strategy that may be used by employers submitting Multi-Site programs, that will provide equivalent services in lieu of having a trained person at each worksite.
11. **COMPRESSED WORK WEEK (CWW)** applies to employees who as an alternative to completing basic work requirement in five eight-hour workdays in one week, or 10 eight-hour workdays in two weeks, are scheduled in a manner which reduces vehicle trips to the worksite. The recognized compressed work week schedules for this Rule are 36 hours in three days (3/36), 40 hours in four days (4/40), or 80 hours in nine days (9/80).
12. **CONSULTANT ETC** means a person that meets the definition of and serves as an ETC at a worksite other than the Consultant's employer. The Consultant ETC may fulfill the role for a minimum of eight hours per week provided the employer maintains an On-Site Coordinator.
13. **DIRECT FINANCIAL AWARD** means an employee commute reduction strategy in which the employer awards cash, prizes, or items of cash value to an employee for specified rideshare behavior.
14. **DISABLED EMPLOYEE** means an individual with a physical impairment that prevents the employee from traveling to the worksite by means other than a single-occupant vehicle.
15. **EMPLOYEE** means any person employed by a person(s), firm, business, educational institution, non-profit agency or corporation, government or other entity. The term exempts the following in accordance with Rule 2202 Definitions: seasonal employees, temporary employees, volunteers, field personnel, field construction workers, and independent contractors.
16. **EMPLOYEE COMMUTE REDUCTION PROGRAM** means a Triennial program or Annual Analysis, under the Employee Commute Reduction Program option, submitted to the AQMD, in accordance with these guidelines.
17. **EMPLOYEE TRANSPORTATION COORDINATOR (ETC)** An employee who has completed a 16 hour AQMD certified training course, and has been appointed to develop, market, administer and monitor the Employee Commute Reduction Program at a single worksite. The ETC must be at the worksite during normal business hours when the majority of employees are at the worksite.
18. **FIELD CONSTRUCTION WORKER** means an employee who reports directly to work at a construction site.
19. **FIELD PERSONNEL** means employees who spend 20 percent or less of their work time, per week, at the worksite and who do not report to the worksite during the peak period for pick-up and dispatch of an employer-provided vehicle.

20. HIGH AVR NO-FAULT INSPECTION is a No-Fault Inspection available only to worksites that reach or exceed their target AVR. Worksites that pass this inspection will have their current plan filing fee waived and are eligible for minimal filing requirements.
21. HOLIDAYS are those days designated as National and State Holidays that shall not be included in the AVR survey period.
22. INDEPENDENT CONTRACTOR means an individual who enters into a direct written contract or agreement with an employer to perform certain services and is not on the employer's payroll.
23. LOW-INCOME EMPLOYEE means an individual whose salary is equal to, or less than, the current individual income level set in the California Code of Regulations, Title 25, Section 6932, as lower income for the county in which the employer is based. Higher income employees may be considered to be "low-income" if the employees demonstrate that the program strategy would create a substantial economic burden.
24. MULTI-SITE EMPLOYER means any person(s), firm, business, educational institution, non-profit agency or corporation, government agency or other entity which has more than one worksite within the South Coast Air Basin where 250 or more employees report to a worksite.
25. MULTI-SITE PROGRAM means a single Employee Commute Reduction Program submitted to AQMD to comply with these guidelines that encompass more than one worksite that belongs to a multi-site employer.
26. NO-FAULT INSPECTION is a pre-arranged worksite employee commute reduction program compliance inspection that is initiated by the employer or the employer representative and is conducted by AQMD compliance staff, without penalty for non-compliance.
27. NONCOMMUTING AVR CREDIT applies to employees who arrive at the worksite during the window for calculating AVR, and remain at the worksite or out of the AQMD's jurisdiction for a full 24 hour period or more to complete work assignments.
28. ON-SITE COORDINATOR is a person who has been certified as an "On-Site Coordinator" in a special, one day training taught by either an AQMD authorized training provider, or by an ETC certified to provide such training. The On-Site Coordinator is limited to program implementation rather than program development. The On-Site Coordinator may serve in a Multi-Site program, in lieu of an ETC or at a single site under a Consultant ETC.
29. PART-TIME EMPLOYEE means any employee who reports to a worksite on a part-time basis fewer than 32 hours per week, but more than four hours per week. These employees shall be included in the employee count for purposes of Rule applicability; and for AVR calculations of the employer provided the employees report to the worksite during the window for calculating AVR.
30. POLICE/SHERIFF means any employee who is certified as a law enforcement officer and is employed by any state, county or city entity. Such employees are only police officers and

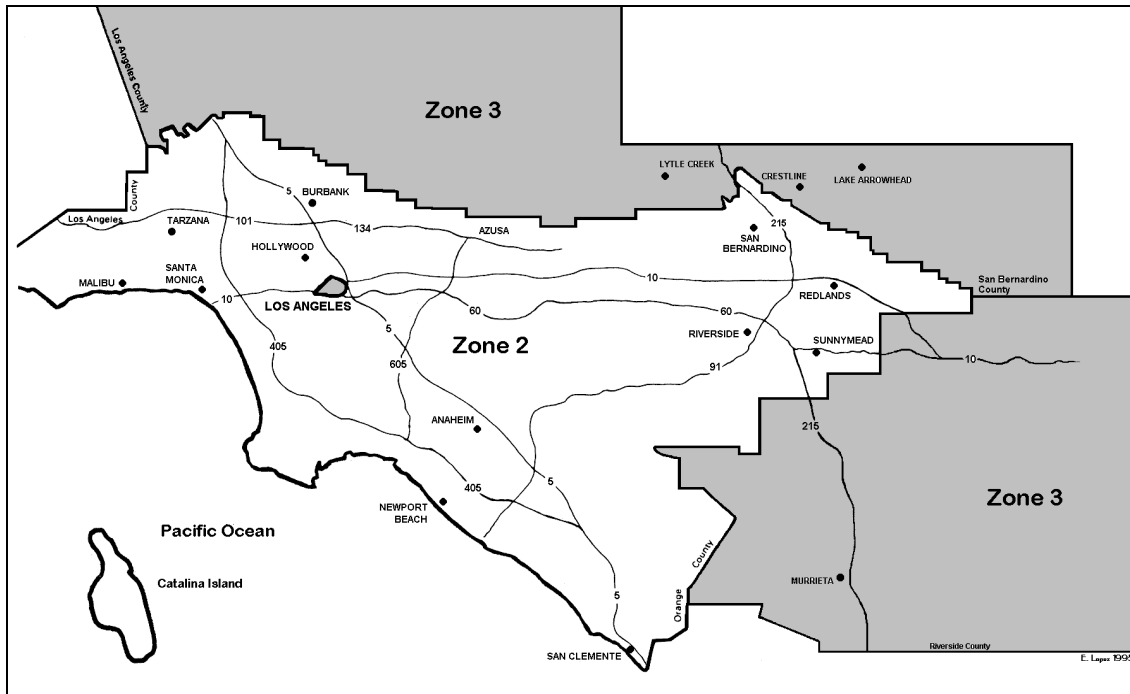
sheriffs, who perform field enforcement and/or investigative functions. This would not include employees in non-field or non-investigative functions. These employees shall be included in the employee count for rule applicability but are not required to be included in the number of employees in the peak window and may therefore, be excluded from the AVR survey. Those worksites electing to exclude such employees from the AVR survey and calculation must provide the basic ridesharing support strategies including but not limited to ridematching and transit information for all employees as well as preferential parking and guaranteed return trips for said employees who are ridesharing.

31. SEASONAL EMPLOYEE means a person who is employed for less than a continuous 90-day period or an agricultural employee who is employed for up to a continuous 16-week period.
32. STRATEGY means a employee commute reduction program element developed, offered and/or implemented by employers for the purpose of encouraging employees to use modes of transportation other than single occupant vehicles when reporting to work during the employer's window.
33. STUDENT WORKER means a student who is enrolled and gainfully employed (on the payroll) by an educational institution. Student workers who work more than four hours per week are counted for rule applicability and if they report to work during the 6:00 a.m. – 10:00 a.m. window are counted for AVR calculation.
34. TELECOMMUTING means working at home, off-site, at a satellite office or at a telecommuting center, for a full workday, that eliminates the trip to work or reduces travel distance by more than 50 percent.
35. TEMPORARY EMPLOYEE means any person employed by an employment service or agency, that reports to a worksite other than the employment agency's worksite, under a contractual arrangement with a temporary employer. Temporary employees are only counted as employees of the temporary agency for purposes of Rule applicability and calculating AVR.
36. TOTAL SURPLUS VEHICLE REDUCTIONS (TSVR) is the sum of the surplus daily commute vehicle reductions that exceeds the AVR target, at each site included in a Multi-Site program.
37. TOTAL VEHICLE REDUCTION SHORTFALL (TVRS) is the sum of the additional daily commute vehicle reductions needed to attain the AVR target, at each site included in a Multi-Site program.
38. TRANSPORTATION MANAGEMENT ASSOCIATION OR TRANSPORTATION MANAGEMENT ORGANIZATION (TMA/TMO) means a private/non-profit association that has a financial dues structure joined together in a legal agreement for the purpose of achieving mobility and air quality goals and objectives within a designated area.

39. **TRAINING PROVIDER** means a person(s), firm, business, educational institution, non-profit agency, corporation, or other entity which meets the minimum guideline qualifications and is certified by the AQMD to provide training to ETCs, and On-site Coordinators.
40. **TRIENNIAL PROGRAM** is the Employee Commute Reduction Program submitted to the AQMD as an initial program submittal and resubmitted/updated every third year thereafter. The Triennial program gives detailed information about the employer and includes strategies that show a good faith effort to achieving the target AVR.
41. **VANPOOL** is a vehicle occupied by seven to 15 people traveling together between their residences and their worksites or destinations for the majority of the total trip distance. Employees who work for different employers, as well as non-employed people, are included within this definition as long as they are in the vehicle for the majority of the total trip distance.
42. **VEHICLE TRIP** is based on the means of transportation used for the greatest distance of an employee's home-to-work commute trip for employees who start work during the peak period. Each vehicle trip to the worksite shall be calculated as follows:
- Single-occupant vehicle = 1
  - Carpool = 1 divided by number of people in carpool
  - Vanpool = 1 divided by number of people in vanpool
  - Motorcycle, moped, motorized scooter, motor bike = 1 divided by number of people on bike
  - Public transit = 0
  - Buspool = 0
  - Bicycle = 0
  - Walking and other non-motorized transportation modes = 0
  - Noncommuting = 0
  - Telecommuting = 0 on days employee is telecommuting for the entire day
  - Compressed Workweek = 0 on employee's compressed day(s) off
  - Zero-emission vehicles = 0
43. **WORKSITE EMPLOYEE THRESHOLD** means 250 employees employed at a single worksite for the prior consecutive six month period calculated as a monthly average, and 33 or more employees scheduled to report to work during the window any one day during the prior consecutive 90 days.

## VIII. ATTACHMENT I

### PERFORMANCE TARGET ZONES



- A worksite's Performance Target Zone depends on its location.
- **Zone 1** is the Central City Area of Downtown Los Angeles within the District's Source/Receptor Area 1.
- **Zone 2** corresponds to the District's Source/Receptor Areas 2 through 12, 16 through 23, and 32 through 35, excluding the Central City Area.
- **Zone 3** corresponds to the District's Source/Receptor Areas 13 through 15, 24 through 31, and 36 through 38.

